Supreme Court, U. S.
FILED
APR 12 1979
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1978

No. 78-1560

Saranelle Avedisian,
Petitioner

v.

Mr. and Mrs. George C. Hubbard, et al
Respondents

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Saranelle Avedisian
14613 Melinda Lane
Rockville, Maryland 20853
Pro Se

INDEX

	Page
Opinions Below	2
Jurisdiction	2
Question Presented	3
Constitutional Provisions and Statutes Involved	3
Statement of Fact	4
Reasons for Granting the Writ	29
Conclusion	31
Appendix A Memorandum and Order of the United States District Court	32
Appendix B Unpublished Per Curiam Order of the United States Court of Appeals for the Fourth Circuit	35
Appendix C Order of the United States Court of Appeals for the Fourth Circuit	37
Appendix D United States Constitutional and Statutory Provisions	39

CITATIONS

Cases:

Thomas v. State, 2 Md. App. 502 p. 33	10
Smith v. Ross, 482 F.2d 33	14
Bennett v. Gravelle, D.C. Md. 1978 323 F.Supp. 203, Aff'd 451 F.2d 1011	15
Schoonfield v. Mayor and City Council of Baltimore, 399 F. Supp. 1068, 1087	15
U.S. v. Hough, D.C. Cal 1957, 157 F. Supp. 774	19
Katz v. United States, 389 U.S. 507, 1967	22
Baker v. Howard, C.A. Ok. 1969, 419 F.2d 396	23
Rent-a-Car Co. v. Globe and Rutgers Fire Ins., 156 A. 847 161 Md. 249	24
Lankford v. Gelston, C.A. Md. 1966, 364 F.2d 202-204	26

CITATIONS (Cont'd)

United States Constitutional Provisions:	
US Const, Am 1	21
US Const, Am IV	10, 19, 22
US Const, Am XIV	19
United States Statutory Provisions:	
USCA Title 42 § 1983	15, 19
USCA Title 42 § 1985	19

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1978

No._____

Saranelle Avedisian,
Petitioner

v.

Mr. and Mrs. George C. Hubbard, et al
Respondents

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Petitioner, on her own behalf, respectfully petitions this Honorable Court to issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit entered in the above case on January 12, 1979.

OPINIONS BELOW

The United States District Court for the District of Maryland dismissed petitioner's Complaint, Civil Action No. M-78-1227, on July 11, 1978. Petitioner entered a Notice of Appeal in the district court which was filed July 19, 1978. The United States Court of Appeals for the Fourth Circuit, in an unpublished Per Curiam Order, Docket No. 78-1643, affirmed the district court's judgment. Petitioner filed a Petition for Rehearing on December 15, 1978, which was denied in the form of an Order filed January 12, 1979.

Copies of the above-named orders are attached herein in the form of Appendices A through C.

JURISDICTION

The United States Court of Appeals unpublished Per Curiam Order was entered November 15, 1978, and its Order denying Petition for Rehearing was filed January 12, 1979. The jurisdiction of this Court is invoked under 28 U.S.C.A. 1254(1).

QUESTION PRESENTED

As a person who has made formal charges in a court of law and amply illustrated them with supporting facts and figures of a loss of liberty and security, and other rights, privileges, and immunities, am I to have a proper redress of grievances?

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The federal constitutional provisions involved in this petition are US Constitution Amendments I, IV, VII, and XIV attached hereto as a part of Appendix D. Also attached in Appendix D are the federal statutory provisions as set out in USCA Title 42 § 1983 and § 1985 (2, 3).

STATEMENT OF FACT

Petitioner, along with her family, moved into a new house when the development was still under construction in October, 1966. Eight years prior to that (excluding a four-month term in Rhode Island where my husband investigated managerial entrepreneurship), we lived in an apartment complex where the transiency was conducive mainly to casual relationships. Toward the last two years of our residency, I publicly took to task a couple of the women who attempted to pre-empt my role and mind my young children without my consent.

The gossip stemming from those encounters--beginning as idle gripes--taking on drama and depth through the repeating, relaying, and over-reacting--was the little squall that has become the hurricane.

Emotions ruled the day, and postures of offended sensibilities were struck in an unsettled neighborhood weathering its first storm. The insight that hindsight has provided into the ways of social expertise was lacking at the critical moment, and in the two years following our arrival resentments failed to recede and neighborhood sus-

picions were set.

Meanwhile, a next-door neighbor and I had become friendly, but the relationship was shaken when I suspected that a confidential relationship had been invaded, and accused her of invasion of privacy. She denied it, and I was obliged to channel my suspicions elsewhere, but invaded it had been; and subsequent invasions of privileged relationships leave no doubt in my mind that such occurrences are not isolated or rare.

Following this episode, I felt constrained to explain the absorption of some of the apartment dwellers with my husband's income and our ages and education and how they had creatively elicited the desired information via the device of a fictitious survey over the telephone. The news of these old conflicts had filtered into the new neighborhood, but she said she was not aware of them.

Instead of smoothing things over, this news, along with our previous disagreement, and possibly an instance of a careless mode of dress when I went into the dining room for a soup spoon for my kindergarten son, may have provided excuses for pursuing an old line.

Three months later, under similar conditions, a few minutes before noon, rushing so I could walk with my son to kindergarten, I received a telephone call. The man purported to be an insurance agent in need of personal information. A few red flags waved to caution me: he had mispronounced my husband's name; I recalled my naive response to my nosy neighbors' survey; and we had dealt with one insurance agency for years. I referred him back to my husband, pleaded too busy to talk, and waited for him to close. Instead, he countered with an obscene suggestion. Quite a while later, I was told by a neighbor that "we have all been getting obscene phone calls."

My son and I dropped by next door for his kindergarten playmate and I casually mentioned it to my neighbor. She responded that she had received a call, too, but the caller had hung up without a word.

Another neighbor stopped to pick me up, and as it was fresh in my mind, I told her about it and the conversation. Not until the next morning with time enough to reflect did I deduce his identity, and the neighborhood as well had made its own deduction. A subsequent discussion with my next-door neighbor conclusively supported my deduction.

Besides my husband, my mother and a possible witness knew these facts

What follows from the time of the obscene call as set out below is verifiable, and such excesses have borne home to me the reasons such calls have been declared illegal.

A few months following the call, a neighbor whom I had not met (supporting my allegation of the pervasiveness and tone of the gossip) from his yard--across two yards and an intersection--serenaded me with the tune of the theme song "Never on Sunday" from the movie of the same name. The movie portrays the immorality of some women, and the song has been played regularly over the past four years in business establishments whenever I shop. Since neither my husband nor I discussed it outside the family, the news of it had to have come from him.

A former friend, later in the year, passed along information necessary to enable the neighbors, a school administrator among them, to raid "confidential" high school records of my family. One of them contained allegations of teenage indiscretions of my middle sister who refused to utter a single word in her own behalf. In the harsh light of my own experiences with the public school's personnel in total participa-

tion, I now question the authenticity of those allegations (however, the motive is clear), but along with the fever-pitch local gossip, they provided the impetus for further investigation. The general public should have confidence that teachers and administrators, and other school personnel, will not engage in activities that are considered by civilized people to be prejudicial to their children. The school should remain an educating organization and not an extracurricular investigating one.

Following our attendance at a family reunion in Oklahoma, in the summer of 1972, our young children came back full of names and places. The network of spies was beginning to operate rather efficiently by this time with the aid of the neighbors, the school personnel, and my husband's associates, and later it became a machine when the press, the police and all the henchmen they have at their disposal from the various government agencies, the corporations, my in-laws, and (probably after 1974) my own family, I think, were assembled.

A neighbor, after vacationing in California, brought back an interesting report from the school my sister's children attended by way of a post-high school check-up. The momentum of the

gossip attained a velocity that has not abated in over five years. It has consumed my immediate family, causing my children anguish and heartache. On a summer tour, the police followed me around the country, scandalizing my extended family, and finally arrested and jailed me on July 26, 1974, which had the earmarks of a set-up: locked motel doors at 9:00-9:30 p.m. and no room available, two lookouts to report our direction, a police van conveniently deployed within a mile to pull out ahead of me from an access road--which was in keeping with their acts of provacation, and the driver stopped me when I turned on my bright lights and passed him.

In my complaint filed July 7, 1978, and in still more detail in a letter to the president of the motel chain appealing for witnesses which I filed in support of a petition for rehearing in the United States Court of Appeals on December 15, 1978, I set forth the circumstances of that incident which I feel violate statutory and Constitutional rights of equal protection and due process. I was deprived of my liberty "without due process" and "equal protection of the laws" was absent as I was the object of illegal surveillance and harassment resulting from a conspiratorial arrangement originating in my neighborhood, and in violation of Fourth Amendment rights as there was no "probable cause" for stopping me.

My husband flew down the next day to bail me out, but along with the children, didn't want to stay over until Monday to contest it, so we left for home.

During the ride to the station, I revealed the identity of the policeman who had recruited his buddies from the Montgomery County police to attempt to intimidate and to harass me. I realized it was probably unnecessary as they were probably a part of it, but at the time, it seemed advantageous to let them know that I knew what they were up to. With that information in hand, the local powers that be turned somersaults to cover up for him. The difference in the activity to an eight-year resident was immediately apparent. Lookouts had to be posted, and each advance farther afield to vary the rotation was obvious and, therefore, equally liable with the police since "one who keeps watch or guard...is clearly a principal.'" Thomas v. State, 2 Md. App. 502 p. 33.

Were they chagrined at my having acquired an arrest record? Quite the opposite. I was sitting in my backyard reading sometime after my return, and

the neighborhood children were gathered together in the front yard two houses down to sing in exuberant unison "We've Got the Whole World in Our Hands." The cop wasn't so sure though. There was an unmistakable firing of a gun from the vicinity of his far back yard one day when I went into ours not long after we returned, and there have been many instances since of gun reports from various directions interspersed with the pops of firecrackers to try to convince me I was mistaken. Then, too, there was the mini-explosion right outside my bedroom window at 3:13 a.m. one morning coinciding with the bombing of a house in a nearby subdivision. The smell of gunpowder when I threw open the dining room window in the course of an immediate investigation was also unmistakable.

On the radio stations at appropriate times "It's a Small World After All" was another favorite song, thus continually and calculatingly invading the privacy of my home in a one-way communication. But it got much stronger--the allegation of immorality was taken as gospel. Songs with "cat" references were popular, songs to make me feel left out, songs with subjects we'd discussed were all utilized, and "Gotta Good Reason for Taking the Heat" was another one played occasionally for my

benefit. And it was true, I had my reasons--not the least of which was that I didn't think bullies should prevail. There was also the daily appearance of reminders that our conversations in house and cars were being intercepted and were being printed in that other popular medium--the newspaper. Lately, say the last two years, the pressure tactics of power politics have gotten to be so widespread that they encompass the national media in a constant bombardment of feedback from the "bugs."

A citizen of the United States is immersed in the promises of freedom and justice for all propounded by our beloved documents--the Declaration of Independence, and the Constitution--from the day he enters kindergarten. How is it then that there are so many people willing to disregard the spirit of fair play with which they are imbued for the thrill of getting away with murder, as the loose expression goes. Nor is it too far amiss--character assassination is its practical equivalent and is recognized as such in the saying "take away my good name, take away my life."

It does not occur to most of us that we may have to fight a personal revolution to establish a personal freedom. We all, have we not, grown up under the same promise of protection

from tyranny? We adhere to the democratic tenet of the "majority rules" because we assume that it will effect results that will be for the common good, or pro bono publico, as Judge Welch neatly put it during the McCarthy hearings.

I find myself, then, in an unenviable position: the position of being a minority of one in a tight little island of people who have voluntarily relinquished their personal freedom--and are, therefore, undeserving of it--to deprive me of mine. In the best George III tradition, my neighbors have organized recruits outside of the immediate neighborhood who have no personal interest in the outcome of its struggle vis-a-vis myself, but have been unable to resist the social pressure because everybody's doing it. An invitation to become a member of the group is flattering--no matter the route--their compunctions no doubt allayed by assurances that the recipient deserves the odds.

Belonging socially, belonging at any price, is the motive, even when the purpose of the mob clearly be coercion, coercion to attain dominance through assumed moral superiority, coercion to obtain a denial or a confession of moral turpitude, coercion via the ages-old political method of muckraking and

pooling of efforts. Coercion, with the aid of police, acquired with apparent ease through the cunning of neighborly pressure on the neighborhood cop, and implemented with alacrity throughout the brotherhood of police. Mr. Justice Brandeis has stated that civilized men value the right to be let alone above all others. And Greta Garbo has made a nice distinction between being alone and being let alone when she contradicted the popular exclusive attitude attributed to her, saying "I never said I want to be alone. I said I want to be left alone." Friendships and associations cannot be forced. The following nursery rhyme expresses the situation very well "All the king's horses and all the king's men, cannot put" a broken neighborhood together again.

Had he been a responsible policeman, he had the perfect out--he could lose his job--as he cannot deny knowledge of laws prohibiting such personal, extra-judicial involvement. As stated in Smith v. Ross, 482 F.2d 33 "...the Supreme Court has often emphasized in related contexts, state officials are not entitled to rely on community hostility as an excuse not to protect by inaction or affirmative conduct the exercise of fundamental rights." By extension, we can apply the meaning of "state" to any of its political subdiv-

isions. And in Bennett v. Gravelle, D.C. Md. 1978 323 F.Supp. 203, affirmed 451 F.2d 1011 "liability will only lie where it is affirmatively shown that the official charged acted personally (emphasis supplied) in the deprivation of a person's rights" which is present in the instant case.

And again in Smith v. Ross, supra, citing Byrd v. Brishke, 466 F.2d 6, 9-10 "the remedies provided in § 1983 are most appropriately extended to persons who, because of the unpopularity of their lifestyles" i.e. my withdrawal from an uncongenial attitude, and "are not protected in their attempt to enjoy peacefully and on an equal basis the civil rights guaranteed them under law."

In Schoonfield v. Mayor and City Council of Baltimore, 399 F.Supp. 1068, 1087, "A violation of equal protection would be shown if the actions against plaintiff were part of a general pattern (emphasis supplied) of discrimination ...," which is the case here, quoting from Kletschka v. Driver, 411 F.2d 436, 447.

Apparently, there are no demurrers. How else to explain its success? It reminds me of two convulsive historical counterparts, their larger scale notwithstanding: the American Revolution

and the Nazi subjugation of the Jews. All three have the similarity of one human being organizing supporters to exert personal power and control seated in ego. The development of an oppressive policy encroaches gradually and envelopes the unwitting because a free citizen in a free country cannot take it seriously. Recall the female protagonist in the television dramatization Holocaust who says "Things will get better, you'll see," juxtaposed against a worsening of the situation because of a lack of organized resistance. I lost valuable ground by overrating the basic integrity and common sense of my co-residents.

Never for an instant did I entertain the idea of capitulation to bend to their will or to provide them with the information they tried to force from me by the recruitment of police and their legions of "mercenaries." These mercenaries being the busybodies, short on scruples, who gained their coin in satisfaction rather than in silver. Satisfaction gained in part from the very illegality of the activity, affording the feeling of getting away with something--"under color of law" as the police protection they have enjoyed is known--as well as the satisfaction from being involved in the community. Satisfaction from being involved on such a level? I have been

under the misconception that people aspire to higher ideals.

Those who are not in the know, generally speaking, the insulated affluent citizens of the United States, pride themselves on the country's not being a police state. However, one of our foremost criminal lawyers has pronounced us well on our way to becoming one. Having personally experienced the mailed fist of illegal police action based on the gossamer thread of gossip inflated with each recounting and therefore without the Constitutional safeguards of warrants issued "upon probable cause, supported by oath or affirmation," "due process" and "equal protection," I can attest to his view. (Emphasis supplied.)

Going on your own way, minding your own business is no assurance that you will not be engulfed by some catastrophe. The catastrophe, in this instance, being neighborhood guerrilla warfare--conquest and conformity to its substandards being the objective, public embarrassment, the means of attaining it. Their excuse for activities in this regard stem from invasions into "confidential" records of members of my extended family from which activities I infer bad conduct. Their ways of letting me know are legion.

Who, with a smidgeon of self-respect would go snooping into another's personal and confidential records without official authorization? In my opinion, it is those snoops, spurred by gossip and smarting from rejection (not incurred in a vacuum) sanctioned by those similarly disposed toward me for similar reasons. At least one important allegation printed in a newspaper advertisement for a television play, using a variant spelling of my sister's name, following soon after one of my early unsuccessful (obstructed) attempts to hire a lawyer, was unequivocally denied--which leaves me to decide who is lying.

"Comes the Deluge," we used to say when we were young and generously disposed to overlook annoyances and things we felt we could not change, "things will be different." I have been late in realizing that there is always the possibility that it will come into anyone's life at any time. At last, the "Deluge" has come for me. I find that my requested responsibility is overwhelming when it comes to interpreting the legal lingo, the rules and regulations and their exceptions, in tandem with the consciousness that if I err in format or formality, it's back to the books for more relevant extraction. My untutored understanding and

my education have limits--so many gaps, so little time to close them.

My mind, in a legal maelstrom, whirling, trying to focus on a landfall of watertight law that will hold the parties guilty as alleged, I flail about for brief snippets of first this flotsam of "without due process" and that jetsom of "purposeful discrimination" or "under color of law," grabbing, collecting, and hoping eventually to arrange them into meaningful, convincing order. So, it seems at this point appropriate to invoke the "in propria persona" provision of 28 U.S.C.A. 1654, as set out in U.S. v. Hough, D.C. Cal 1957, 157 F. Supp. 774.

Even without the surreptitious recruitment of police--in direct violation of our precious Constitutional Amendments IV and XIV and the United States Code Annotated, Title 42, Sections 1983 and 1985--to help pressure and oppress petitioner into unwilling compliance with the neighborhood's unspoken but obvious objectives, the practice of ganging up for whatever end, if focussed on a single individual, is at the very least questionable. In legal terminology, it is referred to as "conspiring," and is actionable, therefore in an "action at law." Would the defendants, as parents, stand and watch two or more children beat up

one of theirs?

To paraphrase Jefferson's lucid language in the Declaration of Independence, it is with "a decent respect to the opinions" of my family, but especially of my suffering children, who will one day read this, to declare "the causes which impel" me to this entirely necessary action. The tactics outlined in the facts he submitted "to a candid world" are so similar and apropos to my case that I repeat some of the phraseology here with some parenthetical qualifications: "...for the sole purpose of fatiguing them into compliance with his measures"; "He has obstructed the administration of justice,..."; "He has made judges dependent on his will alone,..."; "...and sent hither swarms of officers to harass..."; "For protecting them...from punishment,..."; "cutting off our trade (substitute associations) with all parts of the world"; "...depriving (thus far) of the benefit of trial by jury"; "...transporting large armies of foreign mercenaries to complete the works of...tyranny...with circumstances of cruelty and perfidy (breaking and arranging friendships)..., and totally unworthy...a civilized nation (substitute neighborhood)"; "...we have petitioned for redress..."; and "...attempts...to extend an unwarrantable jurisdiction over us...usurpations

which would inevitably interrupt our connections...have been deaf to the voice of justice and consanguinity."

The "circumstances of cruelty and perfidy" to which I refer are the depriving my children of their "rights and privileges," one of which is freedom of association" a First Amendment right, and not to have friends arranged for them. The choice has to be mutual, and friends provided by the mothers who can be controlled by the group are no friends at all. But because of my lack of status--bestowed gratuitously and vociferously promoted--they had no meaningful choices to make.

The following is an excerpt from an essay written by my older daughter required as part of one of her applications to early admission to college. It speaks from the heart from more than one traumatic experience.

"One who has experienced the loss of a friend by death of that person or by the death of the rapport between the two knows best the value of friends. The worse of the two losses is certainly the dissolving of close ties rather than in death of a friend because one or both halves relinquishes the other's soul . to circumstance and then the union of two hearts is dissolved in the

schism and, so, the mutual acceptance is lost. This loss is the emptiness of heart and depression caused by depriving the accompanying soul of some of its lifeblood. Hatred and vengefulness may temporarily mask the void, but in the end, the stark hollowness is felt in one's heart. In addition to that, one feels abandoned, deserted, or cheated out of something rightfully his. One may conclude that he does not deserve friendship or is not good enough to be loved and this makes life as black as death. And then, how the price of a priceless friend does grow! One cannot give as freely of his heart on the second time around. Shattered hearts are not easily glued back together, and some of the pieces may never be recovered. It is unfortunate, but only then is the true worth of a friend made perspicacious to people."

Had the Declaration of Independence been written today, it would doubtless contain references to electronic snooping devices which have been employed relentlessly 24 hours a day against us. The Supreme Court took a strong position on this in Katz v. United States, 389 U.S. 507, 1967, saying that it (bugging) amounts to "search and seizure" which is proscribed by the Fourth Amendment, except upon "issuance of a warrant,..."

"Under some circumstances there can be such a gross abuse of privacy as to amount to abridgement of fundamental constitutional guarantees." Baker v. Howard, C.A. Ok. 1969, 419 F.2d 396. The circumstances described herein surely meet those conditions.

Following a car accident in February, 1977, in which I was involved under odd circumstances--teenagers smiling and snapping pictures of me out the rear window after I had hit them,--I requested a police check from Montgomery County police. The request was refused by a sergeant of the Vice and Intelligence unit, and I never heard from the chief of police after having left a telephone message twice and following up with a letter request, thus denying "equal protection."

Concomitant vigilantes (including spies who look over my shoulder at the law library--which I almost take as a compliment--and mind readers: One of the latest proofs of their employment was the placing of a bottle of Welch's grape juice in a cart at a supermarket check-out counter after I had written of Judge Welch's statement) are always ready to perform whatever tactic that is decided previously. These include making various kinds of noises--a veritable Anvil Chorus if you will--designed

to coincide with my activities.

There are also visual references to my presupposed status, such as trash trucks--which have appeared in groups as many as six together--cats, tag messages, commercial vehicle display and junk mail pertaining to subject matter picked up by their "bugs" planted in our cars and in or near our house. Also, there are other physical bits and pieces of objective evidence which have been provided by eavesdropping interceptors to pressure me, as well as a bundle of newspaper clippings which refer likewise to activities, even the most private, and to our conversations. All of these things together fulfill the description in Rent-a-Car Co. v. Globe and Rutgers Fire Ins., 156 A. 847 161 Md. 249 which states that "any evidence having natural and apparent tendency to establish ultimate issue of conspiracy is admitted."

All of the above is part of their policy of pressure to force action that will meet with their approval. My decision on whether to be pressured prematurely into divulging all the facts, or otherwise acquiescing as a result of their deceptive tricks, arrived simultaneously with the police cruisers and I have never altered my stance at the extreme pain and hardship of my

family. There is no way to appease tyranny, and I felt they should get the attention they deserve--a full jury trial. To make each and every one of them individually accountable is the only sure way to break their stranglehold on me and my family. I know there are multitudes who support my view.

Fortunately, I kept a daily log, the contents of which I will submit to the test of cross-examination, and the statistics of which took more than a week to compile before starting this petition. The figures are simply staggering and, yet, represent only a fraction of the total. The streets are saturated with their emissaries--saturation being a part of their strategy so I can't fail to notice. For instance, one time no less than five cars pulled up at one stop light with ARS prefixes, and I recorded them all, every one, along with about 100 others the last few years. One can imagine what effect this kind of long-term unseemly publicity has had on my family's relationships.

I have recorded 3,250 police vehicles since the harassment began in the fall of 1973. My two next-door neighbors have checked me in and out a recorded total of 745 times, and the neighbors in my block alone (12 houses) a recorded total of 2,324 times since

my arrest and incarceration in 1974 in Nashville. May I suggest the defendants try to remember the number of times of arrival and departure at the same time as their nearest neighbors, and double or treble it for the forgotten times to arrive at an answer to compare to the figures above. Thus have I been educated into the ways that hype can transform a silk purse into a sow's ear.

Although there appears to be a definite reduction in the numbers of some of the named defendants, including a studied spacing out of police cruisers, the degree of impaction or proliferation is not the issue. It is that there is any occurence at all for the purpose of surveillance or harassment or to keep up the sham that it exists only as an imaginative flight of petitioner. To quote from Lankford v. Gelston, C.A. Md. 1966, 364 F.2d 202-204 "...reform timed to anticipate or blunt the force of a lawsuit is of insufficient assurance that similar raids (the case deals with unlawful search of innocent homeowners) will not ensue...." And "Lack of respect for the police is conceded to be one of the factors generating violent outbursts in Negro communities....Understandably, they feel that such illegal treatment is reserved for those elements who the police believe cannot or will

not challenge them. (Emphasis supplied.) It is of the highest importance to community morale that the courts shall give firm and effective reassurance, especially to those who feel that they have been harassed by reason of their color or their poverty." And I might add, or any other disadvantage.

And to continue from the same case "The police department is society's instrumentality to maintain law and order, and to be fully effective it must have public confidence and cooperation. Confidence can exist only if it is generally recognized that the department uses its enforcement procedures with integrity and zeal, according to law and without oppressive measures. Law observance by the police cannot be divorced from law enforcement. When official (I am forced to conclude the behavior described in this petition has official approval) conduct feeds a sense of injustice, raises barriers between the department and segments of the community and breeds disrespect for the law, the difficulties of law enforcement are multiplied...."

"Moreover, appellants' counsel forcefully argue that...invasion of the privacy of his home is unaffected by the object of the policeman's search."

The time has come then, for me to

deliver myself of this pestilence, and so, again, I find it befitting to point out another singular position, and I think anyone would agree--should he find himself in a like position--that this one is more comfortable than the one previously described. The position I refer to this time, is one of my being the only one who can save the defendants--from themselves, and from each other. I must have been thinking strongly along these lines back in February, for one morning (I think it was the same morning a neighbor was reading the Gospel According to Luke shortly after I'd stayed up late watching Paul Newman's movie, Cool Hand Luke), on my way to work on the bus, I sat next to a woman who was reading a pamphlet--Morning Prayers. Quite conscious of the nearness of her quarry, she turned to a page with a heading, as I recall, "The Savior Comes." I could be amused at their creativity were the general consequences less severe.

It has been said to me that I take things too seriously (someone has to); but I fail to see the humor in ruined lives. I told my husband recently it's like being buried alive. With reference to that sentence, I would like to quote a wonderful Chinese proverb I ran across in another lawyer's book: "When you go to dig a grave for your

enemy, dig two." The time has come for me to dig us out of ours.

The truth has been told, nine months ago in my complaint. Can I help it if the defendants were unable or unwilling to recognize the truth when they saw it? Can I help it if they preferred to think it was a joke? To suspect me of playing games with the law is to suspect me of feeling disrespect for it. Contrary to their entrenched beliefs, I have the utmost respect for the Body of Law, and for the Truth; and yes, the reference in the man's serenade to my possible past career as a woman trading on the needs of men is a Lie. And the whole of this is the Gospel Truth according to me.

REASONS FOR GRANTING THE WRIT

Petitioner is loathe to criticize the judgments of the lower courts for saying my case has no merit, but they sound like my advisor-husband who pronounced it likewise. Now my husband who is an intelligent man would not go to the judges to dispense medicine any more than they who are also intelligent men would come to him to dispense law. So, when my husband who was trained in pharmacy and not in law says my case has no merit and those judges echo that view, I must appeal "to a higher au-

thority," as the kosher commercial puts it. Nor was petitioner trained in the law, but I was exposed to its technical aspects as a legal secretary when I had to type briefs which seemed to be closely reasoned logic based on rules.

When I was forced to put my mind to it, I found that I could understand the law. And I did have to put my mind to it because all the lawyers seemed to have taken a vacation from giving assistance to the oppressed. The process of making head and tail out of it was fascinating and I was reassured that there have been people looking out for civilization, which means living by the law, for thousands of years. One knows that in only a vague way, but I think it is good that we live in a democracy where we can take it for granted that there are those who are looking out for our welfare, even if occasionally we have to see to it. In Russia, they know better.

It is painful to run afoul of the law, or to be suspected of it; and it is also painful to have to apply the law in the face of a strong lobby. But the law is meaningless if it is not going to be applied, and we all run amuck as we please, abridging our civic duties to our neighbors by denying their civic rights--even their divine right

to freedom--without due process. And so, even in the face of this formidable lawless lobby, though it may appear otherwise because of police involvement, we have to see that the law prevails, which in the end governs us all. For this reason, to avoid a miscarriage of justice which would result from the failure to heed the facts set forth in the body of the statement, petitioner respectfully urges this Honorable Court to grant this petition.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this petition for a writ of certiorari should be granted.

Saranelle Avedisian

Saranelle Avedisian
Petitioner
14613 Melinda Lane
Rockville, Maryland 20853
Pro Se

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition For a Writ Of Certiorari To The United States Court of Appeals For The Fourth Circuit was sent to each defendant by United States first class mail, postage prepaid, on this 12th day of April, 1979.

Saranelle Avedisian

Saranelle Avedisian

APPENDIX A

Memorandum and Order, July 11, 1978

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SARANELLE AVEDISIAN)
)
v.)CIVIL ACTION
)NO. M-78-1227
MR. AND MRS. GEORGE C.)
HUBBARD, et al)

MEMORANDUM AND ORDER

Plaintiff, acting pro se, has paid the appropriate filing fees and has filed this suit against approximately 150 defendants. No specific relief has been requested. No jurisdictional allegations have been cited in the complaint, and it does not appear that this court has jurisdiction over the complaint.

The complaint consists of a mishmash of paranoic assertions and is clearly legally frivolous.

Even though plaintiff has paid her filing costs, this court has an inherent and broad power "over (its) own process, to prevent abuses, oppression,

and injustice." Gumbel v. Pitkin, 124 U.S. 131 at 144 (1888); 1 Moore, Federal Practice, P. 0.60(6) at 612-614 (2d ed. 1964); O'Connell v. Mason, 132 Fed. 245, 247 (1st Cir. 1904). See also Brinkley v. Louisville and N.R. Co., 95 Fed. 345 at 348-349 (W.D. Tenn. 1899), aff'd 100 Fed. 1006 96th Cir. 1900). Such power may be invoked by the court on its own motion and exists independent of statute, and is not impaired or limited by Federal Rule 12(b), F.R.Civ.P. 1 Moore, Federal Practice, supra. In addition, the court has the power, on its own motion, to dismiss a suit for lack of jurisdiction.

The clerk will be ordered to withhold the service of process in the above case and to dismiss the case for lack of jurisdiction as well as to prevent abuse of process.

It is so ORDERED this 11th day of July 1978.

/s/ James R. Miller, Jr.
James R. Miller, Jr.
United States District Judge

I hereby attest and certify
on 7-12-78 that the foregoing document is a full,
true and correct copy of the

original on file in my
office and in my legal
custody.

Paul R. Schlitz
Clerk, U.S. District Court
District of Maryland

By /s/ C. A. Halecki Deputy

APPENDIX B

Unpublished Per Curiam Order decided
November 15, 1978

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 78-1643

Saranelle Avedisian,
Appellant,

v.

Mr. and Mrs. George C. Hubbard, et al
Appellees.

Appeal from the United States District
Court for the District of Maryland, at
Baltimore.
James R. Miller, Jr., District Judge.

Submitted: October 2, 1978
Decided: November 15, 1978

Before WIDENER, HALL and PHILLIPS, Circuit Judges

(Saranelle Avedisian, Appellant Pro Se. Mr. and Mrs. George C. Hubbard, et al, Appellees Pro Se.)

PER CURIAM:

Upon careful review of the record in this case, we find the appeal from the District Court's denial of relief to be without merit. Accordingly, the judgment is affirmed for the reasons stated by the district court.

Avedisian v. Hubbard, C/A No. M-78-1227

(D. Md., July 12, 1978).

AFFIRMED.

APPENDIX C

Order filed January 12, 1979

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 78-1643

SARANELLE AVEDISIAN

Appellant

v.

MR. AND MRS. GEORGE C. HUBBARD, ET AL

Appellees

O R D E R

We have considered the petition for rehearing and allow its filing out of time. However, we are of opinion the petition is without merit.

It is accordingly ADJUDGED and ORDERED that the petition for rehearing

shall be, and the same hereby is, denied.

With the concurrences of Judge Hall and Judge Phillips.

/s/ H. Widener, Jr.
For the Court

A True Copy, Teste:

William K. Slate, II, Clerk

By /s/ Carol Temm

APPENDIX D

UNITED STATES CONSTITUTIONAL PROVISIONS

US Const, Am I:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercixe thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

US Const, Am IV:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

US Const; Am VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

US Const, Am XIV

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

UNITED STATES STATUTORY PROVISIONS

USCA 42 § 1983

Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person under the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

USCA 42 § 1985 (2, 3)
Obstructing justice; intimidating party, witness, or juror

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

USCA 42 § 1985
Depriving persons of rights or privileges

(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and

exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.